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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

RAINBOW BUSINESS SOLUTIONS, ET  
AL.

Plaintiffs,

v.

MERCHANT SERVICES, INC.; ET AL.,

Defendants.

Case No. CV 10-01993 CW

**STIPULATION RE AMENDED  
SETTLEMENT AGREEMENT**

1 The Plaintiffs, Merchant Services Defendants, and Fiona Walshe, through their  
 2 undersigned counsel, hereby stipulate that, upon issuance of Final Approval by the Court, the  
 3 Amended Settlement Agreement dated June 6, 2013 shall be and hereby is amended as follows:

4 Section 6.1 is amended to replace “\$990,000” with “\$923,000.” Thus the first sentence of  
 5 Section 6.1 shall read “Plaintiffs’ Counsel may apply to the Court for an award of attorneys’ fees  
 6 and expenses not to exceed \$923,000.00.”

7 A new section 9.16 is added, which provides as follows:

8 “9.16 Cy Pres. To benefit the absent class members and advance the goals of preventing  
 9 fraud against small businesses and providing small businesses access to legal services and  
 10 legal information, Merchant Services Defendants shall pay \$200,000.00 to the following  
 11 organizations, within ten (10) days of the Effective Date:

- 12 • \$70,000.00 to the Lawyers’ Committee for Civil Rights of the Bay Area, Legal
- 13 Services for Entrepreneurs Program, San Francisco, CA
- 14 • \$70,000.00 to Start Small Think Big, New York, NY
- 15 • \$60,000.00 to the National Consumers’ League, Washington DC.

16  
 17 Date: December 9, 2013

Respectfully submitted,

**GUTRIDE SAFIER LLP**

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I, Kristen G. Simplicio, am the ECF user whose ID and password are being used to file  
this document. In compliance with section X(B) of General Order 45, I hereby attest that Cary  
Sullivan and Matt Wegner concurred in this filing.

/s/ Kristen G. Simplicio